REMARKS

Claims 1-20 are pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brunemann in view of Tsumura and Levy. The present invention has the following aspects:

1. Transmitting of program data for reprogramming a control unit directly from an authorized central transmitting terminal of the manufacturer to the vehicle which means to the transmitting/receiving device of the vehicle.
2. The buffering of the received program data in a central control unit of the vehicle or in the respective control unit which should be reprogrammed to divide the receiving of the data from the reprogramming of the data.
3. The reprogramming is made during a predefined operating state which means that the vehicle is not moving so that the motor vehicle is stationary, a parking brake is set, an ignition is switched off and the driving switch is turned off and the ignition keys was drawn because of comfort and security aspects.
4. The reprogramming is registered or recorded and checked in a central control unit of the vehicle and
5. That the reprogramming is acknowledged to the central terminal of the provider and is collected and proved in a memory bang of the provider.

With regard to claim 1, Brunemann in view of Tsumura does not show that the loading of the storeddata is only executed in a predefined operating state. Such a predefined operating state is shown in the Levy et al document. So one has to combine the teachings of all three documents, the Brunemann et al document, the Levy document and the Tsumura document to get rid of these features of our invention. On the other hand Levy does not show a buffer memory because of the fact that in Levy there is no need for such a buffer memory because the transmitting of the data is only in the case when the vehicle is not moving.
So the difference of the present invention with regard to all three references is, that the transmitting of the data is when the vehicle is moving (like the teaching of Brunemann in view of Tsumura), but the reprogramming, which means the transmitting of the data from the internal buffer memory to reprogram the control unit, is only when the vehicle is not moving because of comfort and safety aspects.

What is also not shown by Brunemann is the direct connection between the central provider and the vehicle, because Brunemann uses an internet provider between the central office or central provider and the remote unit.

Another difference is that in Levy and Tsumura no reprogramming of a control unit is shown, but only a billing or charging of fees.

So the differences are that the program data is transmitted directly without an internet provider in between and because of the fact that in Brunemann no predefined operating state is used, no reprogramming of a control unit is made, but only an update of data used by an already programmed control unit. This is because of the fact that it would be very dangerous to reprogram a control unit when the vehicle is moving. So in Brunemann a real reprogramming is not shown and would be very dangerous. This is expressed with regard to Brunemann by the fact that no buffer memory and no predefined operating state is used.

On the other hand Levy and Tsumura do not show a reprogramming of a control unit either. And in Levy data is only transmitted, if the vehicle is not moving, whereby in Tsumura the data is only transmitted when the vehicle is moving because no predefined operating state is shown in this reference. Therefore, if all three documents are combined, the claims still are patentable over this combination.

It is therefore respectfully requested that the objections and rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

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